

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

JOSEPHAT HENRY resident of Harvey, KAY)
WILLIAMS resident of Harvey, SYLVIA)
BROWNE resident of Clifton Hill, MAUDE DREW)
resident of Estate Barren Spot, MARTHA ACOSTA)
resident of Estate Profit, WILHELMINA GLASGOW)
as an individual and mother and next friend of)
SAMANTHA VIERA, a minor, both residents of)
Estate Profit, MERCEDES ROSA resident of Estate)
Profit, GEORGE RODRIGUEZ as an individual and as)
father and next friend of AMANDO and GEORGE E.)
RODRIGUEZ, Minors, all residents of Estate Profit,)
SONYA CIRILO resident of Estate Profit,)
RAQUEL TAVAREZ, resident of Estate Profit,)
NEFTALI CAMACHO, as an individual and as)
father and next friend of ANGEL JAVIER)
CAMACHO, a minor, both residents of Estate Profit,)
EYAJIE MALAYKHAN resident of Estate Profit,)
CHEDDIE KELSHALL resident of Estate Profit)
and other persons too numerous to mention, A)
CLASS ACTION,)

Plaintiffs,)

v.)

ST. CROIX ALUMINA, LLC, ALCOA INC., and)
GLENCORE LTD, f/k/a CLARENDON LTD.,)

Defendants.)

CIVIL NO. 1999/0036

**GLENCORE LTD.'S STATEMENT OF UNDISPUTED FACTS
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT
ON PLAINTIFFS' CLASS CLAIM FOR INJUNCTIVE RELIEF**

In support of its motion for summary judgment on Plaintiffs' class claim for injunctive relief, defendant Glencore Ltd. ("Glencore") incorporates by reference the undisputed facts in the Statement of Undisputed Facts in Support of Motion for Summary Judgment on Plaintiffs' Class Claim for Injunctive Relief filed herewith by defendants Alcoa Inc. ("Alcoa") and St. Croix

Alumina, LLC ("SCA"), and supporting evidence referenced therein. Glencore also identifies the following additional undisputed facts:

1. Glencore has never owned or operated the alumina refinery on St. Croix, as this Court has already held. *See* Order and Memorandum Opinion dated August 10, 2007 (Doc. 1125) at 11; *see also* evidence in support of Alcoa's and SCA's undisputed facts nos. 1-3 & 9 (re the consecutive owners of the refinery, beginning with Harvey Aluminum, Inc., Martin Marietta, Virgin Islands Alumina Company ("Vialco"), SCA, and then St. Croix Renaissance Group, L.L.L.P.).

2. Glencore is not the alter ego or agent of, and cannot be derivatively liable for the alleged wrongdoing of, its former thrice-removed indirect subsidiary, the Virgin Islands Alumina Company ("Vialco"), as this Court has already adjudicated. *See* Order and Memorandum Opinion dated August 10, 2007 (Doc. 1125) at 19.

Dated: May 15, 2009

Respectfully submitted,

MACKAY & HODGE, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2009, I electronically filed

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with the Clerk of the court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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s/Vivian Urquidi
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